

REMARKS/ARGUMENTS

Claims 1-16 stand rejected. As set forth above, Claims 1, 5, 7, 10, and 14 have been amended to correct inadvertent typographical errors and to more clearly recite the subject matter of the invention. Accordingly, Claims 1-16 remain pending. Favorable reconsideration and allowance of Claims 1-16 are respectfully requested in light of the following remarks.

Objections to the Specification

The Examiner has objected to the disclosure because of various informalities. It is submitted that the amendments to the specification at pages 7 and 9 have fully addressed the Examiner's objection. Accordingly, withdrawal of the objection is respectfully requested.

Rejections Under 35 U.S.C. § 103(a)

The Examiner has rejected Claims 1-16 under 35 U.S.C. § 103(a) as being unpatentable over the Miller reference (U.S. Patent No. 6,338,043) in view of the alleged disclosed prior art at page 1, line 15 – page 4, line 5 of the specification. The Examiner's rejection is respectfully traversed.

The present application discloses a system and method for selecting and purchasing media advertising in a user/server environment in which a middleman, such as an advertising agency, is eliminated. The system and method provide for direct selection and purchasing of advertising by the user/advertiser by providing the advertiser access to a server system through a Web site. At the Web site, the advertiser can input purchasing information (e.g., buying criteria and customer data) through a Web page form. Based on the information provided by the advertiser, the server selects one or more media outlets from a plurality of available media outlets and then generates an advertising rate request directed to the selected media outlet(s). Upon receipt of the rate request, the selected media outlet(s) process the rate request and transmit a proposal back to the server. The server system then generates an advertising schedule by manipulating the information included in the one or more received proposals. Upon receipt of the advertising schedule, the advertiser can determine whether to purchase the media advertising in the schedule.

The Miller reference, on the other hand, is generally directed toward a method and apparatus for developing a package of advertising spots from a memory database in which a plurality of available spots are stored. The memory also stores guideline variables that define the buying guidelines to be followed in purchasing spots for a given media plan. A package developer cooperates with the memory to automatically create a package containing a subset of the stored representations of available spots in accordance with the parameters of the media buying plan defined by the guideline variables. An optional validator cooperates with the package developer to validate that the developed package is economically acceptable. Validation involves ensuring that every media supplier associated with the spots in the package supplies a minimum percentage of the spots in the package.

Thus, unlike the system and method disclosed in the Miller reference which processes user input to select *advertising spots* from a database storing representations of available spots, the system and method disclosed in the present application processes input from the user to select one or more *media outlets* from a plurality of available media outlets. Such a system and method avoid the complexities that necessarily accompany the maintenance of a large database of currently available spots. For example, the system and method described in the present application eliminate the need to store a large database and continuously update the database as attributes of the spots, such as pricing and availability, change. Processing complexity also is reduced, because the selection algorithm need not sequentially sort through a large database of available spots to develop an appropriate package.

The system and method disclosed in the specification of the present application are recited in the various appended claims. For example, independent Claim 1 recites a method of selecting and purchasing media advertising in a user/server environment. The method comprises accessing a server system through a Web site and providing information relating to buying criteria and customer data through a Web page form. The server system receives the information, processes it to select at least one media outlet from a plurality of available media outlets, and creates an advertising rate request directed to the selected media outlet. The rate request is transmitted to the media outlet, which processes it and transmits the processed request back to the server system. The server system manipulates the processed request to create a schedule, which is transmitted to the advertiser. The advertiser receives the schedule, makes a purchase decision and transmits the decision back to the server system,

which transmits the purchase decision to the at least one selected media outlet for reserving the advertising.

The Miller reference does not teach, disclose, or suggest all of the elements recited in independent Claim 1. For example, the Miller reference does not disclose a server system that processes buying criteria and customer data to select a media outlet from a plurality of available outlets, creating a request directed to the selected outlet, and creating a schedule based on a processed request received back from the selected media outlet.

Known systems and methods discussed in the background section of the present patent application do not compensate for the deficiencies of the Miller reference. For example, none of the known systems and methods include a server system that processes buying criteria and customer data to select a media outlet from a plurality of available outlets and then creates a rate request directed to the selected outlet. Further, none of the known systems and methods includes a server system which creates a schedule based on the manipulation of the processed rate request returned by the selected media outlet. Indeed, in all of the systems and methods discussed in the background section, the direct advertiser partakes either in a non-automated process in which the advertiser's selection of a media outlet is in no way based on the processing of buying criteria and customer data (i.e., the selection process is manual and arbitrary) or in an automated, Web-based process in which the advertiser's selection of advertising is limited to available inventory offered by a brokerage service.

Based on the foregoing discussion, it is submitted that neither the Miller reference nor the art discussed in the background section of the application teaches, discloses, or suggests all of the elements recited in independent Claim 1. Dependent Claims 2-9 are based on Claim 1 and therefore are believed patentably distinguishable over the combination of the Miller reference and the discussed art for the same reasons presented with respect to Claim 1. Accordingly, because it is believed that the Examiner has failed to establish a *prima facie* case of obviousness, withdrawal of the rejection of Claims 1-9 is respectfully requested.

Turning now to Claim 10, it discloses a system for selection and purchasing media advertising in a user/server environment accessed through a Web site. The system comprises a server system accessible by an advertiser through a Web site. The server system comprises a receiving component for receiving information from the advertiser relating to buying

criteria and customer data in order to process the information to select at least one media outlet from a plurality of available media outlets and to create a rate request directed to the selected outlet. The server system further comprises a media outlet transmitting and receiving component for transmitting the rate request to the selected outlet and for receiving a processed rate request from the selected outlet. The server system also comprises a schedule creating component that manipulates the processed rate request to create an advertising schedule, and an advertiser transmitting and receiving component that transmits and receives information to and from the advertiser to allow the advertiser to select and purchase advertising.

The Miller reference and the discussed art, either alone or in combination, do not teach, disclose, or suggest all of the elements recited in independent Claim 10. As discussed above with respect to Claim 1, neither the Miller reference nor the discussed art discloses a server system having (1) a receiving component that receives and processes buying criteria and customer data from the advertiser in order to select a media outlet from a plurality of available outlets and creates a request directed to the selected outlet; (2) a media outlet component for transmitting the request and receiving back the processed request; or (3) a schedule creating component to create a schedule based on a processed request received back from the selected media outlet.

Based on the foregoing, it is submitted that the Examiner also has not established a *prima facie* case of obviousness with respect to independent Claim 10 or dependent Claims 11-13 which are based thereon. Accordingly, withdrawal of the rejection of Claims 10-13 is respectfully requested.

Independent Claim 14 recites a server system for selecting and purchasing media advertising in a user/server environment accessed through a Web site. The server system comprises a receiving component for receiving buying criteria and customer data information from an advertiser in order to process the information to select a media outlet from a plurality of available media outlets and for creating a rate request directed to the selected media outlet. The server system further comprises a media outlet component for transmitting the rate request to the media outlet and receiving the processed rate request back from the media outlet. A scheduling component manipulates the processed request to create a schedule, and

an advertiser component transmits and receives information to and from the advertiser to allow the advertiser to select and purchase advertising.

The Miller reference and the discussed art, either alone or in combination, do not teach, disclose, or suggest all of the elements recited in independent Claim 14. As discussed above with respect to Claim 10, neither the Miller reference nor the discussed art discloses a server system having (1) a receiving component that receives and processes buying criteria and customer data from the advertiser in order to select a media outlet from a plurality of available outlets and creates a request directed to the selected outlet; (2) a media outlet component for transmitting the request and receiving back the processed request; or (3) a schedule creating component to create a schedule based on a processed request received back from the selected media outlet.

Based on the foregoing, it is submitted that the Examiner also has not established a *prima facie* case of obviousness with respect to independent Claim 14 or dependent Claims 15 and 16 which are based thereon. Accordingly, withdrawal of the rejection of Claims 14-16 is respectfully requested.

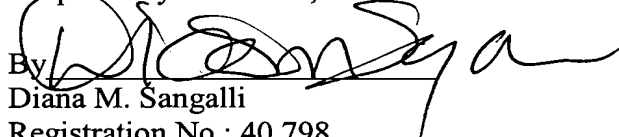
Conclusion

In light of the foregoing amendments and remarks, it is believed that the Examiner's objections and rejections have been fully addressed and Claims 1-16 are in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding objection of the specification and rejection of the claims and to pass this application to issue. Should the Examiner believe that a telephonic interview will help speed this application to allowance, the Examiner is kindly invited to contact the undersigned at the telephone number set forth below.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned **"Version with markings to show changes made."**

Dated: October 7, 2002

Respectfully submitted,

By 

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Version With Markings to Show Changes Made**In the Specification**

At page 7, please replace the paragraph starting at line 24 with the following:

If the advertiser has logged on previously, it will enter its log-in ID and password 108 (Fig. 3). The advertiser accesses the Member Home page 110 and either chooses a specific advertising medium, i.e., radio, television, cable, outdoor, or newspaper or goes to a general media selection page that will help with the decision process. When the appropriate icons are selected (radio, television, cable, outdoor or newspaper), a Smart Form is displayed 112 (Figs. 1 and 8A-D). The Smart Form illustrated in Figs. 8A-D is an example only of the content that is generally found in a form of this type. It is not intended to be inclusive of the information contained in such a form.

At page 9, please replace the paragraph starting at line 7 with the following:

After the System receives the rate submission page from the media outlet, it creates a schedule using a media planning module that interfaces with audience ratings and qualitative data 123 (Fig. 1). In a preferred embodiment, the System creates a “shell” schedule that is based on buying criteria from the Smart Form that includes customer demographics, budget or number of units requested (newspaper and outdoor), and for broadcast media, frequency or reach levels, selected dayparts and flight dates (start and finish dates of schedule) 126 (Fig. 5). The rate information is then entered into media software such as TAPSCAN® or TVSCAN® or similar software 128 and schedules are generated based on the derived parameters 130 (Fig. 5).

In the Claims

Please amend Claims 1, 5, 7, 10, and 14 as follows:

1. (Amended) A method of selecting and purchasing media advertising in a user/server environment accessed through a Web site comprising the steps of:

an advertiser accessing a server system through a Web site and providing information relating to buying criteria and customer data through a Web page form in order to select and purchase media advertising;

the server system receiving the information, processing the information to select at least one media outlet from a plurality of available media outlets, and creating at least one media advertising rate request directed to the at least one media outlet;

transmitting the at least one rate request to at least one media outlet for processing;

the at least one media outlet processing the rate request and transmitting the processed rate request back to the server system;

the server system manipulating the processed rate request to create a media advertising schedule;

transmitting the media advertising schedule to the advertiser;

the advertiser receiving the schedule, making a media advertising purchase decision and transmitting the purchase decision to the server system; and

the server system transmitting the media advertising purchase decision to the at least one media outlet for reserving the purchased advertising.

5. (Amended) The method of claim 1, wherein processing of the information received [by] from the advertiser includes feeding the information into media selection software for determining effective media choices and for ranking the media choices.

*Miller teaches
all in one
software =
plural outlets
no need to
transmit to
outlet software
has info
from all
outlets*

7. (Amended) The method of claim 1, wherein the processing of the rate request by the media outlet includes [filing] filling out a rate submission form on a Web page.

10. (Amended) A system for selecting and purchasing media advertising in a user/server environment accessed through a Web site, comprising:

a server system accessible by an advertiser through a Web site in order to select and purchase media advertising, the server system comprising:;

a receiving component for receiving information from the advertiser relating to the advertiser's buying criteria and customer data in order to process the information to select at least one media outlet from a plurality of available media outlets, and create at least one media advertising rate request directed to the at least one media outlet;

a media outlet transmitting and receiving component for transmitting the at least one rate request to the at least one media outlet and for receiving at least one processed rate request from the at least one media outlet;

a schedule creating component for manipulating the processed rate request to create a media advertising schedule; and

an advertiser transmitting and receiving component for transmitting and receiving [and transmitting] information to and from the advertiser in order to allow the advertiser to select and purchase media advertising.

14. (Amended) A server system for selecting and purchasing media advertising in a user/server environment accessed through a Web site comprising:

a receiving component for receiving information from an advertiser relating to the advertiser's buying criteria and customer data in order to process the information to select at

least one media outlet from a plurality of available media outlets, and create at least one media advertising rate request directed to the at least one media outlet;

a media outlet transmitting and receiving component for transmitting the at least one rate request to the at least one media outlet and for receiving at least one processed rate request from the at least one media outlet;

a schedule creating component for manipulating the processed rate request to create a media advertising schedule; and

an advertiser transmitting and receiving component for transmitting and receiving [and transmitting] information to and from the advertiser in order to allow the advertiser to select and purchase media advertising.